

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA

1:14CR371-1;
1:14CR 414-1

v.

:

DONALD RAY MORGAN

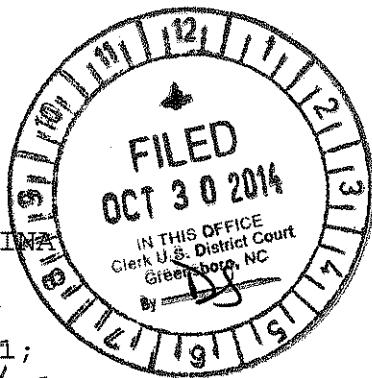
FACTUAL BASIS

NOW COMES the United States of America, by and through Ripley Rand, United States Attorney for the Middle District of North Carolina, and as a factual basis under Rule 11, Fed. R. Crim. P., states the following:

1:14CR371-1 194-1

On April 16, 1997, DONALD RAY MORGAN ("MORGAN") was convicted of Discharging a Firearm into Occupied Property in Rowan County, North Carolina, Superior Court. The judgment reflected that MORGAN was sentenced to 25 months to 39 months imprisonment. According to the North Carolina Governor's Office, Office of Executive Clemency, MORGAN has not been pardoned.

On February 6, 2014, an FBI Source (hereby identified as Source) provided information that, in January 2012, Source purchased an AK-47 rifle from a person calling himself "Don Morgan." Source recalled that MORGAN had advertised the AK-47 rifle on a shooter's web platform. The advertisement listed the firearm as a "Pre Ban Chinese AK 47" and provided a contact



telephone number ending in 6080. Source contacted MORGAN at that telephone number and arranged to buy the weapon from MORGAN the following day. MORGAN directed Source to go to a business in Salisbury, North Carolina, to meet with MORGAN to purchase the AK-47. Source met with MORGAN at the business address. MORGAN then opened a large "closet" area in the office and Source and MORGAN entered the closet. Source said the closet contained many handguns and rifles, as well as ammunition. At the time, MORGAN also offered to sell Source an "HK 91" rifle and a Ruger handgun. Source declined to buy the HK 91 rifle and the Ruger handgun. Source did purchase from MORGAN a Norinco AK-47 rifle and magazines. Source purchased the AK-47 rifle for \$700.00. Source also purchased three (3) containers of ammunition (over 1,000 rounds) for the AK-47 rifle for an additional amount. Source could not recall how much he/she had paid for the ammunition.

ATF Special Agent Matt Amato, a certified nexus expert, interviewed Source regarding the weapon purchased from MORGAN. Based upon the Source's familiarity with weapons generally, a description given by Source of the weapon, including markings, SA Amato opined that the firearm was a Norinco AK-47 and was manufactured in China. Therefore, the weapon had been shipped in interstate commerce prior to being possessed by MORGAN.

On October 15, 2004, the United States Secretary of State designated al-Qa'ida in Iraq ("AQI"), then known as Jam'at al Tawhib wa'al-Jihad, as a Foreign Terrorist Organization ("FTO") under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under Section 1(b) of Executive Order 13224. On May 15, 2014, the Secretary of State amended the designation of AQI as an FTO under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under Section 1(b) of Executive Order 13224 to add the alias "Islamic State of Iraq and the Levant" ("ISIL") as its primary name. The Secretary also added the following aliases to the ISIL listing: "the Islamic State of Iraq and al-Sham" ("ISIS"), "the Islamic State of Iraq and Syria" ("ISIS"), "ad-Dawla al-Islamiyya fi al-'Iraq wa-sh-Sham," "Daesh," "Dawla al Islamiya," and "Al-Furqan Establishment for Media Production." In an audio recording publicly released on June 29, 2014, ISIS announced a formal change of ISIS's name to "Islamic State."

On or about May 6, 2013, MORGAN's Google Plus profile picture depicted a group of approximately eight individuals, each of whom was wearing military gear and posing with automatic rifles, engaged in prayer. MORGAN utilized two Facebook

accounts. One of MORGAN's Facebook accounts that FBI agents observed on November 1, 2013, utilized the online moniker "Nasser Abdul Raheem" and depicted a background photograph of Usama bin Laden and a black flag with Arabic lettering. This flag is commonly associated with the flag of al-Qa'ida. This Facebook page of MORGAN's also depicted a profile photograph of him on the same page as the background photograph.

Beginning in January 2014, MORGAN made arrangements to leave the United States. On January 22, 2014, MORGAN travelled with his Lebanese spouse from the Middle District of North Carolina to Beirut, Lebanon, via stops in Germany and Turkey. His last known address in the United States was 503 Sawtooth Oak Drive, Landis, North Carolina. When MORGAN left his residence in Landis, he intended to ultimately travel to Syria via Turkey and to offer material support to ISIL\ISIS in the form of personnel (i.e. himself).

In February 2014, the FBI located a Twitter account for MORGAN. The account was under the screen name "Field Muslim@astranger0618." The profile page for this account contained a picture of MORGAN. From February 2014 through July 2014, MORGAN frequently dropped one Twitter account and replaced it with another Twitter account, employing different usernames on each account but with each containing the numbers 0618.

On or about March 5, 2014, the user of the "Field Muslim@astranger0618" account posted the following Tweet: "Step by step. I have abandon a comfortable career and life to leave US. Step by step I am closer to fisabilAllah. Are you leaving?[]" On or about March 26, 2014, FBI agents viewed the following Tweet posted by the user of the "Field Muslim@astranger@0618" account: "Reaching that place with Twitter that just feels like a bunch of yappy yappy. Took a year to leave US. Won't take that long for step 2[]"

Using the user name "Abu Omar al-Amriki@Abu Omar0618" on or about May 14, 2014, MORGAN posted the following Tweet: "O you who believe! O you who call yourself muslim! When is the right time to defend your ummah? When will you care? Will you ever be a man?" Using the same Twitter user name on or about May 14, 2014, MORGAN posted the following Tweet: "What truly breaks my heart is not that the United States kills our innocent children and women. IT'S THE SILENCE OF OUR UMMAH AND LACK OF ACTION."

On May 17, 2014, MORGAN attempted to travel to Syria via Turkey from Beirut, Lebanon, but was stopped in Turkey and sent back to Beirut. At all times relevant to the Information in this matter, MORGAN knew and had reason to believe that ISIL\ISIS was engaged in terrorist activity and terrorism and was designated as an FTO. Furthermore, MORGAN knew that his activities and the

activities of ISIL/ISIS involved or were intended to promote a federal crime of terrorism and were calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct.

Using the user name "Abu Omar@06180620" on or about May 20, 2014 MORGAN posted "There was jihad today, and there will be jihad tomorrow-sheik Anwar al-Awlaki". On that same day using the same user name MORGAN posted, "When the US kills innocent muslims they feel an "I'm sorry" is sufficient. If a scum amerikkkan dies, they feel 500K children is justified" Also on or about May 20, MORGAN tweeted "Ya Allah! Bring strength, courage and victory to our brothers fighting & sacrificing to establish Islamic state. @PaladinofJihad#ISIS" On or about May 22, 2014, using the user name Abu Omar @06180629 MORGAN posted "If you have been protesting and campaigning and begging the enemy to stop killing u, It's probably time to get an ak47 and stop the threat." Also on or about May 22, 2014, MORGAN posted "I guess there are those of us who are a bit softer in nature and will be protestors in the electronic campaigns and those of us who are soldiers". On or about May 29, 2014, MORGAN posted "According to legal jargon. If you RT a supportive tweet about ISIS or favorite a tweet, you have violated their law. So pick your camp."

In June 2014, the user of the "Abu Omar@06180629" account posted the following: "ISIS is worldwide. We are already in your city. It's a name but the actions and struggle is our ibadah and deen. Call us what you want." On or about June 9, 2014 using the above user name MORGAN posted "If the west & it's agenda to target any muslim that is practicing is not clear then u are in trouble. At this point you need hijrah or an AK". On that same day MORGAN posted "Syria is not the only area in need of jihad. Every corner of this earth is struggling to denounce and taghout & kafir regimes. You are there now." and "Sec Kerry as you warn muslims can be killed; it goes without saying those attacking muslims can be killed too. Wasted threats, sir".

In or about July 2014, MORGAN switched his Twitter account screen name to "Abu Omar al Amreeki@06180629" and posted a new statement - "Mujahid pledging allegiance to Abu Bakr al-Baghdadi and Islamic State commanding good and forbidding evil." Abu Bakr al-Baghdadi is the leader of AQI/ISIS/ISIL/the Islamic State.

Using the Twitter account "Abu Omar al Amreeki@06180629," MORGAN posted several Tweets indicating his knowledge of and support for the Islamic State and violent activities, as well as his intent to leave Lebanon, to include the following Tweets:

- a. "Killing our enemies and beheadings are justified." (Viewed by FBI agents on or about July 26, 2014.)

b. "To the brothers inside Syria and Iraq be humble and grateful, many of us are trying to come as some are arrested and others delayed." (Posted on or about July 14, 2014.)

c. "I've had my fill of Lebanon. Allah open my path." (Posted on or about July 13, 2014.)

d. "Israel respect nothing and I support any methods to destroy them." (Viewed by FBI agents on or about July 15, 2014.)

e. "Honestly can we not kill one piece of crap Zionist?" (Viewed by FBI agents on or about July 15, 2014.)

f. "...It is time to bring death to Israel and stop this bullying once and for all." (Viewed by FBI agents on or about July 15, 2014.)

g. "Ya Allah give me martyrdom where ever I may be." (Viewed by FBI agents on or about July 24, 2014.)

On or about July 5, 2014, MORGAN posted from his "Abu Omar al Amreeki@06180629" Twitter account a copy of the online magazine *Dabiq*. *Dabiq* is an English language online social media magazine published by ISIL, which appears intended to recruit fighters, create propaganda, and facilitate the solicitation of funds and finances to ISIL.

On August 2, 2014, MORGAN was arrested at John Fitzgerald Kennedy International Airport in New York, New York, on the federal arrest warrant in case number 1:14CR371-1. MORGAN was transported to 26 Federal Plaza, New York, New York, and interviewed by FBI agents. After receiving and waiving his

Miranda rights, MORGAN indicated that his Islamic name was "Nasser Abdul Raheem." MORGAN acknowledged that he used the online screen names of "Nasser Abdul Raheem," "Millatu Ibrahim," "Abu Omar," "Field Muslim," and "Abu Omar al Amreeki." MORGAN denied any plans to conduct an attack against the United States. MORGAN stated "one person's hero is another person's terrorist."

On September 3, 2014, a national television network aired a news segment entitled "How a North Carolina Native Ended Up on a Quest to Join ISIS." The segment involved an interview of MORGAN while he was residing in Beirut, Lebanon. The televised interview was reportedly conducted during the summer of 2014. FBI SA Pickford viewed the interview and recognized MORGAN as the person being interviewed. During the televised interview, MORGAN, who said his Islamic name was "Nasser Abdul Raheem," stated, "I think [if I go back to the U.S.] there's a strong possibility that they'll charge me with supporting terrorist organizations and with participating in terrorist activities." When asked if MORGAN thought he was participating in terrorist activities, MORGAN stated, "Based on their definition, yes." MORGAN also stated that "someone has to defend Islam and someone has to defend innocent Muslims."

Regarding his May 17, 2014, attempt to enter Syria, MORGAN stated in the interview, "I purchased the ticket with the intent

of entering to Syria, either joining up with medical and food aid convoys or directly with Islamic State."

This, the 29th day of October, 2014.

Respectfully submitted,

RIPLEY RAND
UNITED STATES ATTORNEY

/S/ GRAHAM T. GREEN
Assistant United States Attorney
NCSB #22082
United States Attorney's Office
Middle District of North Carolina
251 N. Main Street
Winston-Salem, NC 27101

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CERTIFICATE OF SERVICE

I hereby certify that on the October 29, 2014, the foregoing was filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Richard A. McCoppin

Respectfully submitted,

RIPLEY RAND
United States Attorney

/s/GRAHAM T. GREEN
Assistant United States Attorney
NC Bar # 22082
251 N. Main Street, Suite 726
Winston-Salem, NC 27101
Phone: 336/631-5268